

1 BARRY J. PORTMAN  
Federal Public Defender  
2 JAY RORTY  
Assistant Federal Public Defender  
3 160 West Santa Clara Street, Suite 575  
San Jose, CA 95113  
4 Telephone: (408) 291-7753

\*\*E-filed 11/9/05\*\*

5 Counsel for Defendant CALVIN BARTHOLOMEW

6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,	)	No. CR 05-00417 JF
	)	
12 Plaintiff,	)	
	)	
13 v.	)	<b>STIPULATION AND [PROPOSED]</b>
	)	<b>ORDER TO CONTINUE STATUS DATE</b>
14 CALVIN BARTHOLOMEW,	)	
	)	
15 Defendant.	)	
_____	)	

16  
17 Assistant United States Attorney Gary Fry and defendant, Calvin Bartholomew, through  
18 his counsel, Assistant Federal Public Defender Jay Rorty, stipulate and agree that the hearing  
19 date in the above-captioned matter, presently scheduled for November 9, 2005 should be  
20 continued to December 7, 2005 at 9:00 a.m.. The reason for this continuance is that Mr.  
21 Bartholomew has been hospitalized and is unavailable to come to court.

22 The parties further stipulate and agree that under 18 U.S.C §§ 3161(h)(8)(A) and (B)(iv),  
23 the ends of justice served by the continuance requested outweigh the best interest of the  
24 defendant and public in a speedy trial because the failure to grant such a continuance would  
25 unreasonably deny Mr. Calvin Bartholomew the time necessary for effective preparation. The  
26 time from November 9, 2005 and to December 7, 2005 is excluded from the Speedy Trial Act.

1 Dated: November 8, 2005

2 /S/  
JAY RORTY  
Assistant Federal Public Defender

3  
4 Dated: November 8, 2005

5 /S/  
GARY FRY  
Assistant United States Attorney

\*\*E-filed 11/9/05\*\*

IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	No. CR 05-00417 JF
	)	
Plaintiff,	)	<b>[PROPOSED] ORDER CONTINUING</b>
	)	<b>STATUS DATE AND EXCLUDING</b>
v.	)	<b>TIME</b>
	)	
CALVIN BARTHOLOMEW,	)	
	)	
Defendant.	)	
_____	)	

The parties have jointly requested to continue the hearing date set for November 9, 2005 to December 7, 2005 for the reason that Mr. Bartholomew has been hospitalized and is unavailable to come to court.

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the status date presently set for November 9, 2005 be continued to December 7, 2005, at 9:00 a.m. Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time from November 9, 2005 through and including December 7, 2005, shall be excluded from the period of time within which trial must commence under the Speedy Trial Act, 18 U.S.C §§ 3161(h)(8)(A) and (B)(iv).

Dated: November 9, 2005

/s/electronic signature authorized  
 JEREMY FOGEL  
 United States District Judge